

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed August 13, 2003. In the Office Action, the Examiner rejected claims 1-31 under 35 U.S.C. §102(e). Applicants have amended claims 1, 9, 17, 25. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 102(FROM PREVIOUS RESPONSE)

1. In the Office Action, the Examiner stated that the changes made to 35 U.S.C. 102(e) by the AIPA of 1999 do not apply to the examination of this application. Applicants respectfully disagree and would like to direct the Examiner's attention to the request for the Continued Prosecution Application (CPA) filed on May 27, 2003.

2. In the Office Action, the Examiner rejected claims 1-31 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,272,109 issued to Pei et al. ("Pei"). Applicants respectfully traverse the rejection and contend that the Examiner has not met the burden of establishing a prima facie case of anticipation.

Applicants reiterate the arguments set forth in the previously filed Response to the Final Office Action. Applicants contend that Pei does not disclose, either expressly or inherently, dividing a hardware schedule table into N logical schedule tables.

In the Office Action, the Examiner contends that Pei teaches using separate tables for available bit rate (ABR) in traffic. However, Pei merely discloses one static table indexes virtual path connections (VPC's) and one dynamic ABR table associated with each respective VPC (Pei, Col. 13, lines 25-28). There is no hardware schedule table divided into N logical schedule tables. In addition, Pei does not disclose assigning an identifier in a scheduling table being one of the N logical tables. The static table and the dynamic table are merely two separate tables. They are not logical tables that form a hardware table.

The Examiner failed to identify which table in Pei corresponds to the logical table and the hardware table. The Examiner also failed to show which table is divided from which table in Pei. Applicants, therefore, contend that a prima facie case of anticipation has not been established.

For the similar reasons, dependent claims 2-8, 10-16, 18-24, and 26-31, which depend on independent claims 1, 9, 17, and 25, respectively, are distinguishable from the cited prior art reference.

Therefore, Applicants believe that independent claims 1, 9, 17, and 25 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicants respectfully request the rejection under 35 U.S.C. §102(e) be withdrawn.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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